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FEB 13 '92

BOARD OF TRADE BUILDING

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE
SECRETARY
TELECOPIER
(202) 785-0934

*VIRGINIA BAR ONLY

February 13, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Ms. Searcy:

On behalf of Glendale Broadcasting Company, applicant for a new commercial television station on Channel 45 at Miami, Florida (File No. BPCT-911227KE), we are enclosing an original and two copies of an amendment of the application. The amendment is being filed as of right.

Should there be any questions, kindly communicate directly with this office.

Respectfully submitted,

John J. Schauble

John J. Schauble

Enclosures

AMENDMENT

The application of Glendale Broadcasting Company for a construction permit for a new commercial television station on Channel 45 at Miami, Florida (File No. BPCT-911227KE) is now amended to report that on January 14, 1992, Raystay Company filed an application for the Commission's consent to assign the construction permit for LPTV station W23AY at York, Pennsylvania from Raystay Company to GroSat Broadcasting, Inc. (File No. BAPTTL-920114IB). If the application of Glendale Broadcasting Company is granted, Raystay Company will divest any interest it has in W23AY prior to the commencement of program test authority by Glendale.

Date

2/12/92


George F. Gardner
President

Glendale Broadcasting Company

DECLARATION

I, Gregory B. Daly, under penalty of perjury declare that the following is true and correct to the best of my knowledge.

Using the name TelSA, Inc., (Telecommunications Site Acquisition, Inc.) I have been in the business of acquiring transmitter sites for approximately 10 years. During that period of time, I estimate that I have acquired approximately 5,000 transmitter sites on behalf of clients seeking to file applications with the FCC.

In early February of 1989, I was retained by Raystay Company (Raystay) to assist it in locating transmitter sites for applications Raystay sought to file for new low-power television (LPTV) stations at Lancaster, PA and Lebanon, Pa.

On February 14, 1989, I drove to Lancaster, PA to find a site for the Lancaster applications. After searching for most of the day, I drove on to the grounds of a concrete assembly plant. I found the office and asked to speak to the manager. A gentleman who identified himself as Edward Rick, III then came out to talk to me.

I explained to Mr. Rick that a client of mine was interested in locating an antenna for a LPTV station on top of the facility's existing structure. I explained to Mr. Rick that the antenna would be for an LPTV station and that the antenna would stick out above the existing structure. I then showed him TelSA's standard letter of intent, but Mr. Rick appeared uncomfortable with the language of the letter. I then suggested that he write his own letter expressing his intention to allow my client to use his facility as

a proposed LPTV transmitter site. After waiting for about twenty minutes, Mr. Rick gave me the attached letter granting the use of his facility as a proposed transmitter site.

One of Mr. Rick's employees then gave me a tour of the structure. While climbing the stairs of the structure, I was careful to note the soundness of the structure. While I am not a structural engineer, the beams supporting the structure appeared to be strong enough to support a LPTV antenna.

I remember seeing a two-way radio antenna on the roof of the existing structure. I do not recall whether it was in use. I do not remember Mr. Rick expressing concern about interference to his two-way communication facility. If he had expressed concern about such interference, I would have explained that the possibility of interference was remote since the two-way radio and LPTV frequencies generally do not interfere with one another. I would also have explained that it would have been the responsibility of the new LPTV facility to eliminate interference.

When I talked to Mr. Rick, I did not know the exact size of the antennas that were being proposed. It is rare for me to know the exact size of an antenna when I am working in the field. A consulting engineer cannot tell me what sort of antenna(s) he will need until he has information about the site to be used. I did tell Mr. Rick, however, that the site would be used for low-power television. I did not mention any specific height or make of antenna to Mr. Rick.

On February 23, 1989, I drove to Lebanon, PA to find a site in

Lebanon. I saw the Quality Inn Hotel, which appeared to be a desirable site for several reasons. I went into the hotel and spoke with Mr. Barry March, who introduced himself as the General Manager of the hotel. I explained to Mr. March that my client wanted to use his site for a low-power television facility. I explained that a "pedestal" would have to be built on top of the hotel to support the antenna. I also explained that the facility would not interfere with cable television reception in the hotel and that the antenna's design must comply with the American National Standards Institute (ANSI) standards for RF radiation.

I then presented Mr. March with TelSA's standard letter of intent. I explained that this letter would allow my client to propose the hotel as a transmitter site for an LPTV station. Mr. March did bring up the size of the antenna structure. I explained that a precise drawing was currently unavailable but that precise drawings would normally be available as a matter of course before the hotel entered into a lease. Mr. March then signed TelSA's letter of intent, a copy of which is attached hereto. He then introduced me to Mr. Donald L. Yordy, the building engineer, who let me on the roof so I could inspect the rooftop and take measurements.

In February of 1989, I believed that I had provided Raystay with reasonable assurance of site availability for both the Lancaster and Lebanon sites. I knew of no fact that would lead me to believe that reasonable assurance of site availability was missing. Until I was informed by counsel for Glendale Broadcasting

Company in May of 1993 that a motion had been filed raising questions about the availability of the sites, I had no basis for believing that the sites would not be available to Raystay.

JUNE 3, 1993

Date

Gregory B. Daly

Gregory B. Daly

Tel S A, Incorporated

105

Lancaster, PA

REFERENCE: LETTER OF INTENT

Market Name: Lebanon, PA County: Lebanon

RIGHT-OF-WAY SPECIALISTS

3500 WHITEHAVEN PKWY. N.W.

WASHINGTON, DC 20007-2253

(202) 333-1985, 6, 7

The undersigned is willing and able to lease to the addressee and/or its assignees, with the price and terms to be subsequently agreed upon, the following property should the Federal Communications Commission (FCC) grant a construction permit (license) to the addressee and/or its assignees:

- () 1. Parcel of land _____ (size) near existing tower
- (X) 2. Rooftop at approx. 72 feet feet Above Ground Level (AGL)
- () 3. Tower space approx. _____ feet ABL: NOTE-IF LESS THAN 300ft* THEN:
 () -Lessee, at his expense, may ~~extend~~ ^{Build 30' pedestal} tower height to _____ ft AGL
 () -Lessee, at his expense, may replace tower with stronger (write S)
 () AND/OR taller (write T) tower pending FAA and zoning approval
- () 4. Owner can provide a sheltered equipment space (20' X 20')

Site is miles N NE E SE S SW W NW of 4/10 city limits of Lebanon, PA (Nearest Town)

Physical Description: Site is located at: 625 Querty Road

Site Address: Lebanon, PA 17042
SW CORNER of Pooler Road and Carroll Road

54' 10" from sidewalk to first roof-

15' 6" from 1st roof to extension shaft top

70.6

18" from sidewalk to parking lot pavement

72' total height **ABL**

READY MIXED CONCRETE COMPANY of LANCASTER, PA.

36 ERICK ROAD
Telephone — 717-394-0637



P.O. BOX 1205
LANCASTER, PA. 17603

#105

Lancaster, PA

February 14, 1989

To whom it may concern:

The under signed is willing and able to negotiate the leasing of space or part of a building for the placement of a T.V. antenna structure. The rental figure for the first three years will be \$350. per month. Access may be given on an existing building which is 90 feet high.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Rick, III'. The signature is stylized with large loops and a long horizontal stroke.

Edward Rick, III

Latitude: 40 03 47

76 19 09

GE. 34016E

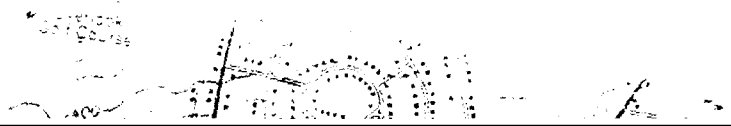
Site is 3 mile south of Lancaster County Airport

Site is located 1/2 mile SW of the intersection of the road

Hwy 501 (N 23rd St), Lancaster, Pa.

Structure is concrete, 90' tall, space similar to 70'

GE. 34016E



Attachment 9

DECLARATION

David A. Gardner, under penalty of perjury, states that the following is true and correct to the best of his knowledge:

In the course of my employment, I provided management services to Raystay Co., which, among other things, is the licensee of low-power television (LPTV) station W40AF, which is licensed to Dillsburg, PA, and held construction permits for LPTV stations in Lancaster, PA, and Lebanon, PA.

In the latter part of 1991 I was involved in negotiations

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that he visited both the Lancaster and Lebanon sites. That inspection was the visit mentioned by Mr. Rick in Paragraph 4 of his April 19, 1993 affidavit. With respect to the suitability of the sites, the engineer was impressed with the Lebanon site, but he was concerned with the dust at the Lancaster site. If anybody told Mr. Rick that the site was unsuitable, it was the buyer's engineer, not me. I was not told anything which would lead me to conclude that the site was unsuitable for Raystay's purposes.

In December 1991, I called John Schauble of Cohen and Berfield and asked him to prepare applications to extend the Lancaster and Lebanon construction permits. Mr. Schauble and I discussed what actions had been taken with respect to the construction permits. He then sent me, via facsimile, the documents that became Exhibit 1 of the applications to extend the construction permits. I believed the statements in the exhibit were accurate, so I approved the exhibit. Mr. Schauble then prepared the remainder of the application, which he sent to me.

With respect to the statement in the exhibit that Raystay "has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications," I believe that my telephone calls with the representatives can fairly be described as preliminary "lease negotiations," since we generally discussed the terms under which the sites might be made available. With respect to the statement, "A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site,"

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that statement refers to the engineer's visit to the sites. As far as I was concerned, one of the purposes for the visit was to determine what site preparation work and modifications would have to be made at the sites. Although I did not accompany the engineer on his visit, I have seen both sites.

Until the last couple of weeks, I had no reason to believe that the sites specified by Raystay in the Lancaster and Lebanon LPTV applications would have been unavailable to Raystay if those stations had been built. To the best of my knowledge, neither I nor anybody else connected with Raystay ever made a judgement that the sites were unsuitable as antenna sites for LPTV stations.

June 3 1993
Date

David A. Gardner
David A. Gardner

DECLARATION

Lee H. Sandifer, under penalty of perjury, now declares that the following is true and correct to the best of his knowledge and belief:

I am Vice-President of Raystay Company (Raystay), which is the licensee of low-power television (LPTV) station W40AF licensed to Dillsburg, Pennsylvania.

The attached excerpts from Raystay's audited financial statements accurately reflect the financial condition and operating performance of W40AF during the years indicated.

In the balance sheets, the listing for "Property, Plant & Equipment" indicates the cumulative total costs of property and equipment used by TV40. Thus, as of October 31, 1989, Raystay had spent \$198,038 on equipment and property for W40AF. That figure would include the cost of the equipment used in constructing that station. The term "Interdivision Account" represents the total amount of funds advanced from Raystay's other operations that have been used to subsidize the operations of W40AF. Thus, as of October 31, 1989, Raystay had used \$239,445 in funds from other operations to subsidize the operations of W40AF. By October 31, 1992, that figure had increased to \$759,052.

June 3, 1993
Date

Lee H. Sandifer
Lee H. Sandifer

W40AF, A Division of Raystay Co.
Comparative Balance Sheets from Raystay's
Combining Audited Financial Statements
For The Years Ended October 31

ASSETS	1989	1990	1991	1992
Current Assets				
Cash and Cash Equivalents		\$12,119	(\$2,803)	\$10,754
Accounts Receivable - Trade (Net of Allowance for Doubtful Accounts)	\$1,126	\$2,277	\$9,450	\$18,084
Accounts Receivable - Other		\$1,088	\$4,907	(\$3,278)
Prepaid Expenses	\$946	\$465	\$1,295	\$3,810
Total Current Assets	\$2,072	\$15,949	\$12,849	\$29,370
Property, Plant, & Equipment	\$198,038	\$224,740	\$230,255	\$250,961
Less: Accumulated Depreciation	\$40,715	\$76,458	\$113,761	\$152,823
Total Property, Plant, & Equipment	\$157,323	\$148,282	\$116,494	\$98,138
Other Assets				
Accounts Receivable - Other				(\$8,855)
Other				\$570
	\$0	\$0	\$0	(\$8,285)
Total Assets	\$159,395	\$164,231	\$129,343	\$119,223
LIABILITIES	1989	1990	1991	1992
Current Liabilities				
Current Portion of Long-Term Notes and Leases Payable	\$2,228	\$2,486	\$2,554	
Accounts Payable		\$22,384	\$7,263	\$480
Accrued Liabilities	\$1,190	\$2,881	\$7,036	\$3,866
Total Current Liabilities	\$3,418	\$27,751	\$16,853	\$4,346
Long-Term Liabilities				
Notes Payable (Net of Current Portion)	\$5,505	\$3,007	\$245	
Total Long-Term Liabilities	\$5,505	\$3,007	\$245	\$0
Interdivision Account	\$239,445	\$309,975	\$507,487	\$759,052
Stockholder's Equity (Deficit)				
Retained Earnings (Deficit)	(\$88,973)	(\$176,502)	(\$395,242)	(\$644,175)
Total Stockholder's Equity (Deficit)	(\$88,973)	(\$176,502)	(\$395,242)	(\$644,175)
Total Liabilities & Stockholder's Equity	\$159,395	\$164,231	\$129,343	\$119,223

Notes: 1) Separate financial information for W40AF has been reported in only these fiscal years.

WAOAF, A Division of Raystay Co.
Recap of Statements of Loss from Raystay's
Combining Audited Financial Statements
For The Years Ended October 31

	1989	1990	1991	1992	TOTAL FY 89-92
Total Revenue	\$1,331	\$8,980	\$46,585	\$67,965	\$124,861
Expense					
Total Studio Expenses	\$32,111	\$72,675	\$102,685	\$105,128	\$312,599
Total Office Expenses	\$0	\$50,822	\$61,796	\$56,822	\$169,440
Total Administrative Expense	\$16,596	\$12,816	\$9,600	\$8,102	\$47,114
Total Marketing Expense	\$0	\$12,673	\$14,356	\$47,802	\$74,831
Total Expenses	\$48,707	\$148,986	\$188,437	\$217,854	\$603,984
Net Loss From Operations	\$47,376	\$140,006	\$141,852	\$149,889	\$479,123

CERTIFICATE OF SERVICE

I, Susie Cruz, do hereby certify that on the 7th day of June 1993, a copy of the foregoing "Opposition to Contingent Motion to Enlarge Issues Against Glendale Broadcasting Company" was sent first-class mail, postage prepaid to the following:

James Shook, Esq.*
Gary Schonman, Esq.
Hearing Branch
Federal Communications Commission
2025 M Street, NW, Room 7212
Washington, DC 20554

Colby M. May, Esq.*
May & Dunne, Chartered
1000 Thomas Jefferson Street, NW
Suite 520
Washington, DC 20007
Counsel for Trinity Broadcasting of Florida, Inc.